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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/981,519
Filing Date	October 17, 2001
First Named Inventor	Abbondanzio et al.
Art Unit	2195
Examiner Name	Kenneth Tang
Attorney Docket Number	RPS920010145US1

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [x] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):

Postcard

Remarks

Please find enclosed Appellants' Third Appeal Brief. Please note that the fees paid for the first and second Appeal Briefs are applied to this third appeal pursuant to M.P.E.P. Section 1204.01.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Winstead Sechrest & Minick P.C.		
Signature			
Printed name	Robert A. Voigt, Jr.		
Date	August 15, 2006	Reg. No.	47,159

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Robert A. Voigt, Jr.	Date	August 15, 2006

PTO/SB/17 (01-06)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	($)	0.00

Complete if Known	
Application Number	09/981,519
Filing Date	October 17, 2001
First Named Inventor	Abbondanzio et al.
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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 50-0563 Deposit Account Name: IBM Corporation

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

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FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 or HP =	_____ x	_____ =	_____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP =	_____ x	_____ =	_____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	
Fee ($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 =	_____ / 50 =	_____ (round up to a whole number) x	_____ =	_____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Filing a Brief in Support of Appeal	0.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 47,159	Telephone 512.370.2832
Name (Print/Type)	Robert A. Voigt, Jr.		Date August 15, 2006

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Abbondanzio et al.	:	Before the Examiner: Tang, Kenneth
Serial No.: 09/981,519	:	Group Art Unit: 2195
Filed.: October 17, 2001	:	
Title.: AUTOMATICALLY SWITCHING SHARED REMOTE DEVICES IN A DENSE SERVER ENVIRONMENT THEREBY ALLOWING THE REMOTE DEVICES TO FUNCTION AS A LOCAL DEVICE	:	IBM Corporation IP Law Dept. YXSA/Bldg. 002 3039 Cornwallis Road P.O. Box 12195 Research Triangle Park, NC 27709

THIRD APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I. REAL PARTY IN INTEREST

The real party in interest is International Business Machines, Inc., which is the assignee of the entire right, title and interest in the above-identified patent application.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, Appellants' legal representative or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-22 are pending in the Application. Claims 1-22 stand rejected. Claims 1-22 are appealed.

IV. STATUS OF AMENDMENTS

Appellants have not submitted any amendments following receipt of the final rejection with a mailing date of June 16, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1:

In one embodiment of the present invention, a method for automatically switching remote shared devices in a dense server environment may comprise the step of receiving a request to access a shared device from a server blade. Specification, page 10, line 3 – page 11, line 5; Figure 3, step 301. The method may further comprise issuing a query as to whether the shared device is being accessed. Specification, page 11, lines 6-8; Figure 3, step 302. The method may further comprise receiving a response to the query indicating that the shared device is not available if the shared device is not being accessed by the server blade. Specification, page 12, lines 3-8; Figure 3, step 307. The method may further comprise waiting to receive a response that the shared device is available if the shared device is not being accessed by the server blade. Specification, page 12, lines 8-18; Figure 3, step 308.

Independent Claim 8:

In another embodiment of the present invention, a computer program product embodied in a machine readable medium for automatically switching remote shared devices in a dense server environment may comprise the programming step of

receiving a request to access a shared device from a server blade. Specification, page 8, line 4 – page 9, line 26; Specification, page 10, line 3 – page 11, line 5; Figure 1, element 110; Figure 2, elements 204, 206; Figure 3, step 301. The computer program product may further comprise the programming step of issuing a query as to whether the shared device is being accessed. Specification, page 8, line 4 – page 9, line 26; Specification, page 11, lines 6-8; Figure 1, element 110; Figure 2, elements 204, 206; Figure 3, step 302. The computer program product may further comprise the programming step of receiving a response to the query indicating that the shared device is not available if the shared device is not being accessed by the server blade. Specification, page 8, line 4 – page 9, line 26; Specification, page 12, lines 3-8; Figure 1, element 110; Figure 2, elements 204, 206; Figure 3, step 307. The computer program product may further comprise the programming step of waiting to receive a response that the shared device is available if the shared device is not being accessed by the server blade. Specification, page 8, line 4 – page 9, line 26; Specification, page 12, lines 8-18; Figure 1, element 110; Figure 2, elements 204, 206; Figure 3, step 308.

Independent Claim 15:

In another embodiment of the present invention, a system comprising one or more shared devices. Specification, page 7, line 3 – page 8, line 2; Figure 1, element 130. The system may further comprise a plurality of server blades coupled to the one or more shared devices via a service unit, where the service unit is configured to establish a connection between one of the one or more shared devices and one of the plurality of server blades requesting to access the one of the one or more shared devices. Specification, page 7, line 3 – page 8, line 2; Figure 1, elements 110, 120, 130. The requesting server blade may further comprise a processor. Specification, page 8, line 4 – page 9, line 26; Figure 2, element 201. The requesting server blade may further comprise a memory unit coupled to the processor, where the memory unit is operable for storing a program, where the program is operable for performing the

programming step of receiving a request to access the requested shared device from the requesting server blade. Specification, page 8, line 4 – page 9, line 26; Specification, page 10, line 3 – page 11, line 5; Figure 1, element 110; Figure 2, elements 201, 204, 206; Figure 3, step 301. The program may further be operable for performing the programming step of issuing a query as to whether the shared device is being accessed. Specification, page 8, line 4 – page 9, line 26; Specification, page 11, lines 6-8; Figure 1, element 110; Figure 2, elements 204, 206; Figure 3, step 302. The program may further be operable for performing the programming step of receiving a response to the query indicating that the shared device is not available if the shared device is not being accessed by the server blade. Specification, page 8, line 4 – page 9, line 26; Specification, page 12, lines 3-8; Figure 1, element 110; Figure 2, elements 204, 206; Figure 3, step 307. The program may further be operable for performing the programming step of waiting to receive a response that the shared device is available if the shared device is not being accessed by the server blade. Specification, page 8, line 4 – page 9, line 26; Specification, page 12, lines 8-18; Figure 1, element 110; Figure 2, elements 204, 206; Figure 3, step 308.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1-22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ruberg (U.S. Patent No. 6,895,588).

VII. ARGUMENT

A. Claims 1-22 are improperly rejected under 35 U.S.C. §102(e) as being anticipated by Ruberg.

The Examiner has rejected claims 1-22 under 35 U.S.C. §102(e) as being anticipated by Ruberg. Office Action (6/14/2006), page 2. Appellants respectfully traverse these rejections for at least the reasons stated below.

1. Claims 1, 8 and 15 are not anticipated by Ruberg.

Appellants respectfully assert that Ruberg does not disclose "receiving a request to access a shared device from a server blade" as recited in claim 1 and similarly in claims 8 and 15. The Examiner cites column 2, lines 40-41; column 5, lines 1-37; column 6, lines 8-34 and 59-60; column 7, lines 30-67; column 8, lines 1-28; column 10, lines 28-33 and Figure 2 of Ruberg as disclosing the above-cited claim limitation. Office Action (6/14/2006), page 2. Appellants respectfully traverse.

Ruberg instead discloses that the device driver is responsible for brokering devices that are attached to desktop units (HIDs) on the interconnection fabric for the purpose of remotely accessing the devices from various services. Column 5, lines 10-13. Ruberg further discloses that the device manager 201 uses the association between the user, session and desktop to map device services 205 to particular devices connected to particular desktop units. Column 6, lines 17-19. Additionally, Ruberg discloses that in the process of doing this, the device manager 201 can check a policy list 202 to compare what the service is asking for and the user (session) with an administrative policy for device access permission. Column 6, lines 19-23. Furthermore, Ruberg discloses that the remote device driver 207 has the ability to permit and deny device and unit access by driver services. Column 6, lines 59-60. Further, Ruberg discloses that the device manager 201 is responsible for brokering devices to services. Column 7, lines 31-32. Ruberg further discloses that driver services is informed when a candidate device becomes available whether or not it is in use by another service. Column 10, lines 29-31.

Hence, Ruberg discloses a device manager in the server domain that maps device services in the server domain to particular devices connected to particular desktop units. There is no language in the cited passage that discloses receiving a request from a server blade. Neither is there any language in the cited passage that discloses receiving a request to access a shared device from a server blade. Thus, Ruberg does not disclose all of the limitations of claims 1, 8 and 15, and thus claims 1, 8 and 15 are not anticipated by Ruberg. M.P.E.P. §2131.

Furthermore, as understood by Appellants, the Examiner asserts that computational service providers 300 of Ruberg disclose a server blade and human interface device 302 of Ruberg discloses a shared device. Office Action (6/14/2006), page 3. There is no language in the cited passages that discloses receiving a request to access a human interface device 302 from the computation service providers 300. Further, the Examiner must provide a basis in fact and/or technical reasoning to support the assertion that computational service providers 300 of Ruberg disclose a server blade, as defined in the Specification[1], and that human interface device 302 of Ruberg discloses a shared device. *See Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, the Examiner must provide extrinsic evidence that must make clear that computational service provider 300 of Ruberg discloses a server blade, as defined in the Specification, and that human interface device 302 of Ruberg discloses a shared device, and that it would be so recognized by persons of ordinary skill. *See In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 1, 8 and 15. M.P.E.P. §2131.

Appellants further assert that Ruberg does not disclose "issuing a query as to whether said shared device is being accessed" as recited in claim 1 and similarly in claims 8 and 15. The Examiner cites column 2, lines 40-41; column 5, lines 1-37; column 6, lines 8-34 and 59-60; column 7, lines 30-67; column 8, lines 1-28; and Figure 2 of Ruberg as disclosing the above-cited claim limitation. Office Action (6/14/2006), page 2. Appellants respectfully traverse.

As stated above, Ruberg instead discloses a device manager in the server domain that maps device services in the server domain to particular devices connected to particular desktop units. There is no language in the cited passages that discloses issuing a query. Neither is there any language in the cited passages that

[1] The Specification may be used as a dictionary to learn the meaning of a term in the patent claim. *Toro Co. v. White Consol. Indus., Inc.*, 199 F.3d 1295, 1299, 53 U.S.P.Q.2d 1065, 1067 (Fed. Cir.

discloses issuing a query as to whether a shared device is being accessed. Thus, Ruberg does not disclose all of the limitations of claims 1, 8 and 15, and thus claims 1, 8 and 15 are not anticipated by Ruberg. M.P.E.P. §2131.

Appellants further assert that Ruberg does not disclose "wherein if said shared device is not being accessed by said server blade then the method further comprises the steps of: receiving a response to said query indicating that said shared device is not available" as recited in claim 1 and similarly in claims 8 and 15. The Examiner cites the Abstract; column 2, lines 40-41; column 5, lines 1-37; column 6, lines 8-34 and 59-60; column 7, lines 30-67; column 8, lines 1-28; and Figure 2 of Ruberg as disclosing the above-cited claim limitation. Office Action (6/14/2006), page 3. Appellants respectfully traverse.

As stated above, Ruberg instead discloses a device manager in the server domain that maps device services in the server domain to particular devices connected to particular desktop units. Ruberg further discloses that the device manager provides responsibility for discovering services on network clients, enabling driver services to use the devices, notifying other driver services of the availability of devices, notifying clients of the permission to use a device by a service and tracking connected devices. Abstract. There is no language in the cited passages that discloses receiving a response to the query (referring to the query as to whether the shared device is being accessed) indicating that a shared device is not available. Neither is there any language in the cited passages that discloses receiving a response to the query indicating that a shared device is not available if the shared device is not being accessed by the server blade. Thus, Ruberg does not disclose all of the limitations of claims 1, 8 and 15, and thus claims 1, 8 and 15 are not anticipated by Ruberg. M.P.E.P. §2131.

1999).

Appellants further assert that Ruberg does not disclose "wherein if said shared device is not being accessed by said server blade then the method further comprises the steps of: waiting to receive a response that said shared device is available" as recited in claim 1 and similarly in claims 8 and 15. The Examiner cites the Abstract; column 2, lines 40-41; column 5, lines 1-37; column 6, lines 8-34 and 59-60; column 7, lines 30-67; column 8, lines 1-28; and Figure 2 of Ruberg as disclosing the above-cited claim limitation. Office Action (6/14/2006), page 3. Appellants respectfully traverse.

As stated above, Ruberg instead discloses a device manager in the server domain that maps device services in the server domain to particular devices connected to particular desktop units. Ruberg further discloses that the device manager provides responsibility for discovering services on network clients, enabling driver services to use the devices, notifying other driver services of the availability of devices, notifying clients of the permission to use a device by a service and tracking connected devices. Abstract. There is no language in the cited passages that discloses waiting to receive a response that the shared device is available. Neither is there any language in the cited passages that discloses waiting to receive a response that the shared device is available if the shared device is not being accessed by the server blade. Thus, Ruberg does not disclose all of the limitations of claims 1, 8 and 15, and thus claims 1, 8 and 15 are not anticipated by Ruberg. M.P.E.P. §2131.

Appellants further assert that Ruberg does not disclose "one or more shared devices; and a plurality of server blades coupled to said one or more shared devices via a service unit, wherein said service unit is configured to establish a connection between one of said one or more shared devices and one of said plurality of server blades requesting to access said one of said one or more shared devices" as recited in claim 15. The Examiner cites elements 302, 321, 322, 323 of Figure 3 of Ruberg and elements 210a-d of Figure 2 of Ruberg as disclosing shared devices. Office Action (6/14/2006), page 5. The Examiner further cites elements 300, 310-314 of Figure 3

of Ruberg as disclosing server blades. Office Action (6/14/2006), page 5. The Examiner further cites column 2, lines 40-41; column 5, lines 1-37; column 6, lines 8-34 and 59-60; column 7, lines 30-67; column 8, lines 1-28; column 10, lines 28-33 and Figure 2 of Ruberg as disclosing the above-cited claim limitation. Office Action (6/14/2006), pages 5-6. Appellants respectfully traverse.

The Examiner must provide a basis in fact and/or technical reasoning to support the assertion that elements 300, 310-314 of Ruberg disclose a server blade, as defined in the Specification, and that elements 302, 321-323 and 210a-d of Ruberg disclose a shared device. *See Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, the Examiner must provide extrinsic evidence that must make clear that elements 300, 310-314 of Ruberg disclose a server blade, as defined in the Specification, and that elements 302, 321-323 and 210a-d of Ruberg disclose a shared device, and that it would be so recognized by persons of ordinary skill. *See In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 1, 8 and 15. M.P.E.P. §2131.

Further, the Examiner has not specifically pointed out which element in Figure 3 of Ruberg allegedly discloses a service unit. The Examiner asserts that elements 300, 310-314 of Figure 3 of Ruberg disclose a plurality of server blades and further asserts that elements 302 and 321-323 of Figure 3 of Ruberg disclose one or more shared devices. Office Action (6/14/2006), page 5. Figure 3 of Ruberg illustrates interconnect fabric 301 connecting computational service providers 300 with human interface device 302. If the Examiner asserts that interconnect fabric 301 discloses a service unit, then the Examiner must provide a basis in fact and/or technical reasoning to support the assertion that interconnect fabric 301 of Ruberg discloses a service unit. *See Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, the Examiner must provide extrinsic evidence that must make clear that interconnect fabric 301 of Ruberg discloses a service unit, and that it

would be so recognized by persons of ordinary skill. *See In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 1, 8 and 15. M.P.E.P. §2131.

2. Claims 2-6 are not anticipated by Ruberg for at least the reasons that claim 1 is not anticipated by Ruberg.

Claims 2-6 depend from claim 1 and hence are not anticipated by Ruberg for at least the reasons that claim 1 is not anticipated by Ruberg, as discussed above in Section A.1.

3. Claims 9-13 are not anticipated by Ruberg for at least the reasons that claim 8 is not anticipated by Ruberg.

Claims 9-13 depend from claim 8 and hence are not anticipated by Ruberg for at least the reasons that claim 8 is not anticipated by Ruberg, as discussed above in Section A.1.

4. Claims 16-21 are not anticipated by Ruberg for at least the reasons that claim 15 is not anticipated by Ruberg.

Claims 16-21 depend from claim 15 and hence are not anticipated by Ruberg for at least the reasons that claim 15 is not anticipated by Ruberg, as discussed above in Section A.1.

5. Claims 2, 9 and 16 are not anticipated by Ruberg.

Appellants respectfully assert that Ruberg does not disclose "determining if said shared device is being accessed" as recited in claim 2 and similarly in claims 9 and 16. The Examiner cites column 10, lines 55-56 of Ruberg as disclosing the above-cited claim limitation. Office Action (6/14/2006), page 3. Appellants respectfully traverse and assert that Ruberg instead discloses that the device status message is sent to the driver service when a device is connected or ownership changes. Column 10, lines 55-56. Hence, Ruberg discloses sending a message when

a device is connected or ownership changes. Determining if a device is connected is not the same as determining if a shared device is being accessed. Thus, Ruberg does not disclose all of the limitations of claims 2, 9 and 16, and thus claims 2, 9 and 16 are not anticipated by Ruberg. M.P.E.P. §2131.

6. Claims 3, 10 and 17 are not anticipated by Ruberg.

Appellants respectfully assert that Ruberg does not disclose "wherein if said shared device is not being accessed then the method further comprises the steps of: connecting said shared device with said server blade" as recited in claim 3 and similarly in claims 10 and 17. The Examiner cites column 2, lines 40-41; column 5, lines 1-37; column 6, lines 8-34 and 59-60; column 7, lines 30-67; column 8, lines 1-28; column 10, lines 28-33 and Figure 2 of Ruberg as disclosing the above-cited claim limitation. Office Action (6/14/2006), page 4. Appellants respectfully traverse.

As stated above, Ruberg instead discloses a device manager in the server domain that maps device services in the server domain to particular devices connected to particular desktop units. There is no language in the cited passages that discloses connecting a shared device with a server blade. Neither is there any language in the cited passages that discloses connecting a shared device with a server blade if the shared device is not being accessed. Thus, Ruberg does not disclose all of the limitations of claims 3, 10 and 17, and thus claims 3, 10 and 17 are not anticipated by Ruberg. M.P.E.P. §2131.

Appellants further assert that Ruberg does not disclose "transferring said request to access said shared device to said shared device" as recited in claim 3 and similarly in claims 10 and 17. The Examiner cites column 2, lines 40-41; column 5, lines 1-37; column 6, lines 8-34 and 59-60; column 7, lines 30-67; column 8, lines 1-28; column 10, lines 28-33 and Figure 2 of Ruberg as disclosing the above-cited claim limitation. Office Action (6/14/2006), page 4. Appellants respectfully traverse.

As stated above, Ruberg instead discloses a device manager in the server domain that maps device services in the server domain to particular devices connected to particular desktop units. There is no language in the cited passages that discloses transferring a request to access a shared device to the shared device. Neither is there any language in the cited passages that discloses transferring a request to access a shared device to the shared device if the shared device is not being accessed. Thus, Ruberg does not disclose all of the limitations of claims 3, 10 and 17, and thus claims 3, 10 and 17 are not anticipated by Ruberg. M.P.E.P. §2131.

7. Claims 4, 11 and 18 are not anticipated by Ruberg.

Appellants respectfully assert that Ruberg does not disclose "determining if said shared device is being accessed by said server blade" as recited in claim 4. The Examiner cites column 2, lines 40-41; column 5, lines 1-37; column 6, lines 8-34 and 59-60; column 7, lines 30-67; column 8, lines 1-28; column 10, lines 28-33 and Figure 2 of Ruberg as disclosing the above-cited claim limitation. Office Action (6/14/2006), page 4. Appellants respectfully traverse.

As stated above, Ruberg instead discloses a device manager in the server domain that maps device services in the server domain to particular devices connected to particular desktop units. There is no language in the cited passages that discloses determining if the shared device is being accessed by a server blade. Neither is there any language in the cited passages that discloses determining if the shared device is being accessed by a server blade if the shared device is being accessed. Thus, Ruberg does not disclose all of the limitations of claims 4, 11 and 18, and thus claims 4, 11 and 18 are not anticipated by Ruberg. M.P.E.P. §2131.

8. Claims 5, 12 and 19 are not anticipated by Ruberg.

Appellants respectfully assert that Ruberg does not disclose "wherein if said shared device is being accessed by said server blade then the method further

comprises the steps of: connecting said shared device with said server blade" as recited in claim 5. The Examiner cites column 2, lines 40-41; column 5, lines 1-37; column 6, lines 8-34 and 59-60; column 7, lines 30-67; column 8, lines 1-28; column 10, lines 28-33 and Figure 2 of Ruberg as disclosing the above-cited claim limitation. Office Action (6/14/2006), page 4. Appellants respectfully traverse.

As stated above, Ruberg instead discloses a device manager in the server domain that maps device services in the server domain to particular devices connected to particular desktop units. There is no language in the cited passages that discloses connecting a shared device with a server blade. Neither is there any language in the cited passages that discloses connecting a shared device with a server blade if the shared device is being accessed by the server blade. Thus, Ruberg does not disclose all of the limitations of claims 5, 12 and 19, and thus claims 5, 12 and 19 are not anticipated by Ruberg. M.P.E.P. §2131.

Appellants further assert that Ruberg does not disclose "transferring said request to access said shared device to said shared device" as recited in claim 5 and similarly in claims 12 and 19. The Examiner cites column 2, lines 40-41; column 5, lines 1-37; column 6, lines 8-34 and 59-60; column 7, lines 30-67; column 8, lines 1-28; column 10, lines 28-33 and Figure 2 of Ruberg as disclosing the above-cited claim limitation. Office Action (6/14/2006), page 4. Appellants respectfully traverse.

As stated above, Ruberg instead discloses a device manager in the server domain that maps device services in the server domain to particular devices connected to particular desktop units. There is no language in the cited passages that discloses transferring the request to access the shared device to the shared device. Neither is there any language in the cited passages that discloses transferring the request to access the shared device to the shared device if the shared device is being accessed by the server blade. Thus, Ruberg does not disclose all of the limitations of

claims 5, 12 and 19, and thus claims 5, 12 and 19 are not anticipated by Ruberg. M.P.E.P. §2131.

9. Claims 6, 13 and 20 are not anticipated by Ruberg.

Appellants respectfully assert that Ruberg does not disclose "receiving said response that said shared device is available" as recited in claim 6 and similarly in claims 13 and 20. The Examiner cites column 2, lines 40-41; column 5, lines 1-37; column 6, lines 8-34 and 59-60; column 7, lines 30-67; column 8, lines 1-28; column 10, lines 28-33 and Figure 2 of Ruberg as disclosing the above-cited claim limitation. Office Action (6/14/2006), page 4. Appellants respectfully traverse.

As stated above, Ruberg instead discloses a device manager in the server domain that maps device services in the server domain to particular devices connected to particular desktop units. There is no language in the cited passages that discloses receiving the response that the shared device is available. Thus, Ruberg does not disclose all of the limitations of claims 6, 13 and 20, and thus claims 6, 13 and 20 are not anticipated by Ruberg. M.P.E.P. §2131.

10. Claims 6, 13 and 21 are not anticipated by Ruberg.

Appellants respectfully assert that Ruberg does not disclose "connecting said shared device with said server blade" as recited in claim 6 and similarly in claims 13 and 21. The Examiner cites column 2, lines 40-41; column 5, lines 1-37; column 6, lines 8-34 and 59-60; column 7, lines 30-67; column 8, lines 1-28; column 10, lines 28-33 and Figure 2 of Ruberg as disclosing the above-cited claim limitation. Office Action (6/14/2006), page 4. Appellants respectfully traverse.

As stated above, Ruberg instead discloses a device manager in the server domain that maps device services in the server domain to particular devices connected to particular desktop units. There is no language in the cited passages that discloses connecting the shared device with the server blade. Thus, Ruberg does not

disclose all of the limitations of claims 6, 13 and 21, and thus claims 6, 13 and 21 are not anticipated by Ruberg. M.P.E.P. §2131.

Appellants further assert that Ruberg does not disclose "transferring said request to access said shared device to said shared device" as recited in claim 6 and similarly in claims 13 and 21. The Examiner cites column 2, lines 40-41; column 5, lines 1-37; column 6, lines 8-34 and 59-60; column 7, lines 30-67; column 8, lines 1-28; column 10, lines 28-33 and Figure 2 of Ruberg as disclosing the above-cited claim limitation. Office Action (6/14/2006), page 4. Appellants respectfully traverse.

As stated above, Ruberg instead discloses a device manager in the server domain that maps device services in the server domain to particular devices connected to particular desktop units. There is no language in the cited passages that discloses transferring the request to access the shared device to the shared device. Thus, Ruberg does not disclose all of the limitations of claims 6, 13 and 21, and thus claims 6, 13 and 21 are not anticipated by Ruberg. M.P.E.P. §2131.

VIII. CONCLUSION

For the reasons noted above, the rejections of claims 1-22 are in error. Appellants respectfully request reversal of the rejections and allowance of claims 1-22.

Respectfully submitted,
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CLAIMS APPENDIX

1. A method for automatically switching remote shared devices in a dense server environment comprising the steps of:

receiving a request to access a shared device from a server blade; and

issuing a query as to whether said shared device is being accessed;

wherein if said shared device is not being accessed by said server blade then the method further comprises the steps of:

receiving a response to said query indicating that said shared device is not available; and

waiting to receive a response that said shared device is available.

2. The method as recited in claim 1 further comprising the step of:

determining if said shared device is being accessed.

3. The method as recited in claim 2, wherein if said shared device is not being accessed then the method further comprises the steps of:

connecting said shared device with said server blade; and

transferring said request to access said shared device to said shared device.

4. The method as recited in claim 2, wherein if said shared device is being accessed then the method further comprises the step of:

determining if said shared device is being accessed by said server blade.

5. The method as recited in claim 4, wherein if said shared device is being accessed by said server blade then the method further comprises the steps of:

connecting said shared device with said server blade; and

transferring said request to access said shared device to said shared device.

6. The method as recited in claim 1 further comprising the steps of:

receiving said response that said shared device is available;

connecting said shared device with said server blade; and

transferring said request to access said shared device to said shared device.

7. The method as recited in claim 1, wherein said shared device is a Universal Serial Bus device.

8. A computer program product embodied in a machine readable medium for automatically switching remote shared devices in a dense server environment comprising the programming steps of:

receiving a request to access a shared device from a server blade; and

issuing a query as to whether said shared device is being accessed;

wherein if said shared device is not being accessed by said server blade then the computer program product further comprises the programming steps of:

receiving a response to said query indicating that said shared device is not available; and

waiting to receive a response that said shared device is available.

9. The computer program product as recited in claim 8 further comprises the programming step of:

determining if said shared device is being accessed.

10. The method as recited in claim 9, wherein if said shared device is not being accessed then the computer program product further comprises the programming steps of:

connecting said shared device with said server blade; and

transferring said request to access said shared device to said shared device.

11. The computer program product as recited in claim 9, wherein if said shared

device is being accessed then the computer program product further comprises the programming step of:

determining if said shared device is being accessed by said server blade.

12. The computer program product as recited in claim 9, wherein if said shared device is being accessed by said server blade then the computer program product further comprises the programming steps of:

connecting said shared device with said server blade; and

transferring said request to access said shared device to said shared device.

13. The computer program product as recited in claim 8 further comprises the programming steps of:

receiving said response that said shared device is available;

connecting said shared device with said server blade; and

transferring said request to access said shared device to said shared device.

14. The computer program product as recited in claim 8, wherein said shared device is a Universal Serial Bus device.

15. A system, comprising:

one or more shared devices; and

a plurality of server blades coupled to said one or more shared devices via a service unit, wherein said service unit is configured to establish a connection between one of said one or more shared devices and one of said plurality of server blades requesting to access said one of said one or more shared devices;

wherein said requesting server blade comprises:

a processor; and

a memory unit coupled to said processor, wherein said memory unit is operable for storing a program, wherein the program is operable for performing the

following programming steps:

receiving a request to access said requested shared device from said requesting server blade; and

issuing a query to said service unit as to whether said requested shared device is being accessed;

wherein if said requested shared device is not being accessed by said requesting server blade then the program is further operable for performing the following programming steps:

receiving a response to said query indicating that said requested shared device is not available; and

waiting to receive a response that said requested shared device is available.

16. The system as recited in claim 15, wherein said service unit comprises:

a processor; and

a memory unit coupled to said processor, wherein said memory unit is operable for storing a computer program, wherein the computer program is operable for performing the following programming step:

determining if said requested shared device is being accessed.

17. The system as recited in claim 16, wherein if said requested shared device is not being accessed then the computer program of said service unit is further operable for performing the following programming step:

connecting said requested shared device with said requesting server blade;

wherein if said requested shared device is not being accessed then the program of said requesting server blade is further operable for performing the following programming step:

transferring said request to access said requested shared device to said requested shared device.

18. The system as recited in claim 16, wherein if said requested shared device is being accessed then the computer program of said service unit is further operable for performing the following programming step:

determining if said requested shared device is being accessed by said requesting server blade.

19. The system as recited in claim 18, wherein if said requested shared device is being accessed by said requesting server blade then the computer program of said service unit is further operable for performing the following programming step:

connecting said requested shared device with said requesting server blade;

wherein if said requested shared device is being accessed by said requesting server blade then the program of said requesting server blade is further operable for performing the following programming step:

transferring said request to access said requested shared device to said requested shared device.

20. The system as recited in claim 15, wherein the program of said requesting server blade is further operable for performing the following programming step:
receiving said response that said requested shared devices is available.

21. The system as recited in claim 20, wherein the computer program of said service unit is further operable for performing the following programming step:

connecting said requested shared device with said requesting server blade;

wherein the program of said requesting server blade is further operable for performing the following programming step:

transferring said request to access said requested shared device to said requested shard device.

22. The system as recited in claim 15, wherein said requested shared device is a Universal Serial Bus device.

EVIDENCE APPENDIX

No evidence was submitted pursuant to §§1.130, 1.131, or 1.132 of 37 C.F.R. or of any other evidence entered by the Examiner and relied upon by Appellants in the Appeal.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings to the current proceeding.